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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/915,271	Applicant(s) KEECH, WINSTON DONALD	
	Examiner David G. Cervetti	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) 24-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 32 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 200, 252 (page 29, paragraph [0086]), 470 (page 31, paragraph [0092]), 2113 (page 49, paragraph [0141]), 2215 (page 50, paragraph [0145], perhaps 2315 was intended). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the

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description: 224, 258 (Fig. 2), 420 (Fig. 4), 820 (Fig. 8), 1801 (Fig. 18), 2152, 2115 (Fig. 21), 2201 (Fig. 22), 2315 (Fig. 23). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "407" has been used to designate both "server" (page 31, paragraph [0092]) and "appropriate credit or debit card" (page 31, paragraph [0092]). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: "SIM" (page 27, paragraph [0080]), "WAP" (page 27, paragraph [0081]), "AVS3" (page 28, paragraph [0082]), "GUI" (page 28, paragraph [0083]), "SSL" (page 30, paragraph [0088]), "ISP" (page 30, paragraph [0089]), "PDA" (page 42, paragraph [0117]), "VDU" (page 44, paragraph [0121]), "LAN" (page 46, paragraph [0130]), "SIMM" (page 49, paragraph [0142]), "CPU" (page 50, paragraph [0147]); while well known in the art, these terms have not been defined. Appropriate correction is required.

Claim Objections

Claim 32 is objected to because of the following informalities: "The identity verification secure transaction system of claim 30". Claim 30 was cancelled as per Preliminary Amendment filed on July 27, 2001; perhaps claim 32 was intended to be cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 recites the limitation "the identity verification secure transaction system of claim 30" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 12-19, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawana (US Patent Number: 4,697,072).

Regarding claim 1, Kawana teaches an identity verification secure transaction system comprising: a host computer for storing a user code associated with a user, for supplying a pseudo-random security string for a transaction, wherein said host computer determines a one time transaction code by applying said user code to said pseudo-random security string (column 3, lines 39-40); and at least one electronic device in electronic communication with said host computer for administering said transaction by receiving and displaying said pseudo-random security string and for receiving a user transaction input code, wherein said user transaction input code is determined by applying said user code to said pseudo-random security string displayed on said at least one electronic device and said user transaction input code is sent to said host computer (column 3, lines 38-39); wherein said host computer verifies that said user input code matches said one time transaction code (column 5, lines 14-25).

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Regarding claim 2, Kawana teaches the system of claim 1, wherein said at least one electronic device is an Electronic Funds Transfer Point of Sale (EFT/POS) device (column 5, lines 65-68).

Regarding claim 12, Kawana teaches the system of claim 1, wherein said host computer upon verification allows completion of said transaction (column 5, lines 25-28).

Regarding claim 13, Kawana teaches the system of claim 1, wherein said host computer upon verification allows access to a database (column 4, lines 60-65).

Regarding claim 14, Kawana teaches the system of claim 1, wherein said host computer upon verification allows access to account information (column 4, lines 47-56, column 5, lines 25-28).

Regarding claim 15, Kawana teaches a method of verifying an identity for conducting secure transactions comprising the steps of: storing information about a user pin associated with a host computer (column 3, lines 24-28); generating a pseudo-random security string by said host computer (column 4, lines 65-68, column 5, lines 1-5); determining a transaction code by applying said user pin to said pseudo-random security string (column 4, lines 65-68, column 5, lines 1-5); transmitting said pseudo-random security string to at least one electronic device, displaying said pseudo-random security string on said at least one electronic device for use by said user to determine a user transaction input code by applying said user code to said pseudo-random security string (column 5, lines 29-35); inputting said user transaction input code on said at least one electronic device (column 4, lines 50-55); transmitting said user transaction input

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code from said at least one electronic device to said host computer (column 4, lines 50-55); and determining, by said host computer, whether said transaction code and said user transaction input code match (column 5, lines 13-24).

Regarding claim 16, Kawana teaches the method of claim 15, further including the step of completing a transaction when said transaction code and said user transaction input code match (column 5, lines 25-28).

Regarding claim 17, Kawana teaches the method of claim 16, further including the step of providing access to a database when said transaction code and said user transaction input code match (column 4, lines 60-65).

Regarding claim 18, Kawana teaches the method of claim 16, further including the step of providing access to account information when said transaction code and said user transaction input code match (column 4, lines 47-56, column 5, lines 25-28).

Regarding claim 19, Kawana teaches the method of claim 15, further including the step of transmitting and displaying said pseudo-random security string on an Electronic Funds Transfer Point of Sale (EFT/POS) device (column 5, lines 65-68).

Regarding claim 23, Kawana teaches the limitations as set forth under claim 15 above the method of claim 15, further including the step of transmitting and display said transaction code to said at least one electronic device (column 4, lines 43-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawana (US Patent Number: 4,697,072) as applied to claim 1 above, and further in view of Goldfine et al. (US Patent Number: 5,343,529).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawana (US Patent Number: 4,697,072) as applied to claim 1 above, and further in view of Bickham et al. (US Patent Number: 5,530,438).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawana (US Patent Number: 4,697,072) as applied to claim 1 above, and further in view of Lee (US Patent Number: 6,748,367).

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawana (US Patent Number: 4,697,072) as applied to claim 1 above, and further in view of Lee (US Patent Number: 6,748,367) and Bickham et al. (US Patent Number: 5,530,438).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawana (US Patent Number: 4,697,072) as applied to claim 15 above, and further in view of Goldfine et al. (US Patent Number: 5,343,529).

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawana (US Patent Number: 4,697,072) as applied to claim 15 above, and further in view of Lee (US Patent Number: 6,748,367).

Regarding claim 3, Kawana teaches the limitations as set forth under claim 1 above. Furthermore, Kawana teaches the system of claim 1, wherein said at least one

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electronic device is comprised of an electronic Funds Transfer Point of Sale (EFT/POS) device for administering said transaction and receiving said user transaction input code (column 5, lines 65-68). However, Kawana does not disclose expressly the system of claim 1, wherein said at least one electronic device is comprised of a wireless device associated with said user for receiving and displaying said pseudo-random security string.

Goldfine et al. teach the system of claim 1, wherein said at least one electronic device is comprised of a wireless device associated with said user for receiving and displaying said pseudo-random security string (column 4, lines 25-35).

Kawana and Goldfine et al. are analogous art because they are directed to a similar problem solving area – authentication systems for remote transactions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to centrally generate a transaction identifier specific to each transaction request to assure that the access information being transmitted from point to point in the system is different for each transaction attempt (Goldfine et al., column 2, lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Goldfine et al. with the system of Kawana for the benefit of authentication systems for remote transactions to obtain the invention as specified in claim 3.

Regarding claim 4, Kawana and Goldfine et al. teach the limitations as set forth under claim 3 above. Furthermore, Kawana teaches the system of claim 3, where said

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one time transaction code is received and displayed by said wireless device instead of said pseudo-random security string (column 4, lines 43-46).

Regarding claim 5, Kawana teaches the limitations as set forth under claim 1 above. However, Kawana does not disclose expressly the system of claim 1, wherein said at least one electronic device is a wireless device associated with said user.

Bickham et al. teach the system of claim 1, wherein said at least one electronic device is a wireless device associated with said user (column 3, lines 10-13).

Kawana and Bickham et al. are analogous art because they are directed to a similar problem solving area – authentication systems for remote transactions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a wireless device associated with a user.

Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Bickham et al. with the system of Kawana for the benefit of authentication systems for remote transactions to obtain the invention as specified in claim 5.

Regarding claim 6, Kawana and Bickham et al. teach the limitations as set forth under claim 5 above. Furthermore, Kawana teaches the system of claim 5, wherein said one time transaction code is sent to said wireless device instead of said pseudo-random security string (column 4, lines 43-46).

Regarding claim 7, Kawana teaches the limitations as set forth under claim 1 above. However, Kawana does not disclose expressly the system of claim 1, wherein said at least one electronic device is comprised of: a user computer, in electronic

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communication with said host computer, for receiving and displaying said pseudo-random security string and receiving said user transaction input code; and a merchant computer, in electronic communication with said user computer and said host computer, for administering said transaction, wherein one of said at least one electronic device relays said user transaction input code to said host computer for user identity verification.

Lee teaches the system of claim 1, wherein said at least one electronic device is comprised of: a user computer, in electronic communication with said host computer (figure 1, reference character 12), for receiving and displaying said pseudo-random security string and receiving said user transaction input code; and a merchant computer, in electronic communication with said user computer and said host computer (figure 1, reference character 18), for administering said transaction, wherein one of said at least one electronic device relays said user transaction input code to said host computer for user identity verification.

Kawana and Lee are analogous art because they are directed to a similar problem solving area – authentication system for remote transactions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have a user computer communicate with a host computer and a merchant computer communicate with a host computer and a user computer.

Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Lee with the system of Kawana for the benefit of

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authentication systems for remote transactions to obtain the invention as specified in claim 7.

Regarding claim 8, Kawana and Lee teach the limitations as set forth under claim 7 above. Furthermore, Lee teaches the system of claim 7, wherein said user computer and said merchant computer communicate via the Internet (figure 1, reference character 16).

Regarding claim 9, Kawana and Lee teach the limitations as set forth under claim 7 above. Furthermore, Kawana teaches the system of claim 7, wherein said one time transaction code is received and displayed by said user computer instead of said pseudo-random security string (column 4, lines 43-46).

Regarding claim 10, Kawana teaches the limitations as set forth under claim 1 above. However, Kawana does not disclose expressly the system of claim 1, wherein said at least one electronic device is comprised of: a wireless device associated with said user for receiving and displaying said pseudo-random security string, a user computer, in electronic communication with said host computer, for receiving said user transaction input code; and a merchant computer, in electronic communication with said user computer and said host computer, for administering said transaction, wherein one of said at least one electronic device relays said user transaction input code to said host computer for user identity verification.

Lee teaches the system of claim 1, wherein said at least one electronic device is comprised of: a user computer, in electronic communication with said host computer, for receiving said user transaction input code (figure 1, reference character 12); and a

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merchant computer, in electronic communication with said user computer and said host computer, for administering said transaction, wherein one of said at least one electronic device relays said user transaction input code to said host computer for user identity verification (figure 1, reference character 18).

Bickham et al. teach the system of claim 1, wherein said at least one electronic device is comprised of: a wireless device associated with said user for receiving and displaying said pseudo-random security string (column 3, lines 10-13).

Kawana, Lee, and Bickham et al. are analogous art because they are directed to a similar problem solving area – authentication systems for remote transactions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to send a security string to a user's wireless device, have the user input the transaction code, and to verify the user's identity.

Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Lee and Bickham et al. with the method of Kawana for the benefit of authentication systems for remote transactions to obtain the invention as specified in claim 10.

Regarding claim 11, Kawana, Lee, and Bickham et al. teach the limitations as set forth under claim 10 above. Furthermore, Kawana teaches the system of claim 10, wherein said one time transaction code is received and displayed by said wireless device instead of said pseudo-random security string (column 4, lines 43-46).

Regarding claim 20, Kawana teaches the limitations as set forth under claim 15 above. However, Kawana does not disclose expressly the method of claim 15, further

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including the step of transmitting and displaying said pseudo-random security string on a wireless device associated with said user.

Goldfine et al. teach the method of claim 15, further including the step of transmitting and displaying said pseudo-random security string on a wireless device associated with said user (column 4, lines 25-35).

Kawana and Goldfine et al. are analogous art because they are directed to a similar problem solving area – authentication systems for remote transactions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to centrally generate a transaction identifier specific to each transaction request and to display it on a wireless device associated to the user to assure that the access information being transmitted from point to point in the system is different for each transaction attempt (Goldfine et al., column 2, lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Goldfine et al. with the method of Kawana for the benefit of authentication systems for remote transactions to obtain the invention as specified in claim 20.

Regarding claim 21, Kawana teaches the limitations as set forth under claim 15 above. However, Kawana does not disclose expressly the method of claim 15, further including the step of transmitting and displaying said pseudo-random security string on a user computer wherein said user computer is in electronic communication with said host computer.

Lee teaches the method of claim 15, further including the step of transmitting and displaying said pseudo-random security string on a user computer wherein said user computer (figure 1, reference character 12) is in electronic communication (figure 1, reference character 16) with said host computer (figure 1, reference character 100).

Kawana and Lee are analogous art because they are directed to a similar problem solving area – authentication system for remote transactions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have a user computer communicate with a host computer.

Therefore, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Lee with the system of Kawana for the benefit of authentication systems for remote transactions to obtain the invention as specified in claim 21.

Regarding claim 22, Kawana and Lee teach the limitations as set forth under claim 21 above. Furthermore, Lee teaches the method of claim 21, further including the step of communicating between the said host computer and said user computer via the Internet (figure 1, reference character 16).

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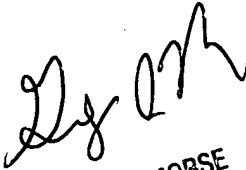
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC


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